

Appl. No. 09/437,345
Amdt. Dated 08/20/2004
Reply to Advisory Action of 7/13/2004

REMARKS/ARGUMENTS

This Amendment is in response to the Advisory Action mailed July 13, 2004

In the Office Action, claims 1-2, 5, 23-24, 27, 45-46, 49-51 and 54 were rejected under 35 U.S.C. §102(b) as being anticipated by Wasilewski (U.S. Patent No. 6,157,719). In addition, claims 3-4, 6-9, 16-19, 22, 25-26, 28-31, 36, 38-41, 44, 47-48, 52-53, and 55-58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wasilewski in view of Muratani (U.S. Patent No. 6,061,451). Applicants respectfully traverse the rejection.

Herein, Claims 16-22, 34-35, 38-44, 52-53 and 55-58 have been cancelled without prejudice. Claims 1-15, 23-33, 37, 45-51 and 54 are now pending.

I. §102(E) REJECTION

As maintained in the Advisory Action, claims 1-2, 5, 23-24, 27, 45-46, 49-51 and 54 were rejected under 35 U.S.C. §102(b) as being anticipated by Wasilewski. Applicant respectfully traverses the outstanding §102(e) rejection in its entirety because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, a claim is anticipated only if each and every element as set forth in the claim is described, either expressly or inherently, in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987); *See also MPEP § 2131*. Herein, Wasilewski does not describe each and every element set forth in claims 1-2, 5, 23-24, 27, 45-46, 49-51 and 54.

For instance, in accordance with independent claims 1, 23, 45 and 50, the limitations involving a filter, means or an operation for selecting at least one of the access requirements "by filtering a PID associated with the at least one access requirement from the plurality of PIDs" is not taught or suggested by Wasilewski.

Moreover, Wasilewski does not disclose the storage of the scrambled program (encrypted instance) with the ECM (considered in the Office Action to be the "access requirement") as claimed. Instead, information within the ECM (107) whose content is changing every few seconds or more frequently, and the authorization information (121) are used to produce the control word (117). There is not teaching of storage of the ECM information with the scrambled program.

In light of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the §102(e) rejection. In order to facilitate prosecution of the subject application, Applicant respectfully requests the Examiner to conduct the undersigned attorney to schedule an Examiner's Interview to discuss the same.

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II. §103(A) REJECTION

In the Office Action, claims 3-4, 6-9, 16-19, 22, 25-26, 28-31, 36, 38-41, 44, 47-48, 52-53, and 55-58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wasilewski in view of Muratani. Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

When evaluating a claim for determining obviousness, *all* limitations of the claim must be evaluated. *In re Fine*, 873 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)(Emphasis added). Herein, neither Wasilewski nor Muratani, alone or in combination, suggest every limitation set forth in the above-identified claims. For instance, with respect to independent claims 6 and 28, neither of these cited references, nor their combined teachings, are directed to descrambling scrambled digital content to produce descrambled (clear) content and re-scrambling the same for output. These operations are conducted by different conditional access units implemented within the same digital receiver as addressed in dependent claims 9 and 31, respectively.

Applicant respectfully requests the Examiner to reconsider the claims as amended. In order to facilitate prosecution of the subject application, applicant respectfully requests the Examiner to contact the undersigned attorney to schedule an Examiner's interview.

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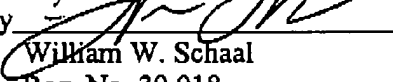
Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: 08/20/2004

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Susan McFarlane
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